



City of Carmel

CARMEL PLAN COMMISSION

March 16, 2004

MINUTES

The regularly scheduled meeting of the Carmel Plan Commission met at 7:00 PM on March 16, 2004 in the Council Chambers of City Hall.

Members present were Stephanie Blackman; Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney; Dianna Knoll; Rick Ripma; Madeleine Torres; and Susan Westermeier, thereby establishing a quorum.

The Department of Community Services Staff attending were Michael Hollibaugh, Director; Jon Dobosiewicz, and Adrienne Keeling. John Molitor, Legal Counsel, was also present.

The Minutes from the February 17, 2004 meeting were approved as submitted.

Legal Counsel Report, John Molitor. Legislation was monitored during the legislative session. There was no legislation passed that would affect this Plan Commission.

In addition, at the August or September 2003 meeting of the Plan Commission, a proposal was made to consider rezoning property owned by Earlham College located generally at 146th and River Road. The City has had discussions with Counsel for Earlham College and so far, has reached a "meeting of the minds" to delay any further activity on the rezone proposal for an additional three months. To date, there is no signed document from Earlham, but in the interim, a three-month delay or extension of the rezone proposal is recommended.

Mark Rattermann made a formal motion to postpone the Earlham Rezone proposal to the June meeting of the Carmel Plan Commission. The motion was seconded by Dianna Knoll and APPROVED 10-0.

Department Concerns, Jon Dobosiewicz. Item 1h, Dunkerly Property Rezone, is requested for tabling by the petitioner to the April meeting. The Department is in support of this request. The Chair then formally tabled Docket No. 04010001Z, Dunkerly Property Rezone to the April meeting.

H. Public Hearings:

1h. Docket No. 04010001 Z; Dunkerly Property - Rezone

The applicant seeks to rezone approximately 2.4 acres from R-1/Residence to B-2/Business (with restricted uses). The site is located at the northwest corner of Guilford Rd and 116th St. Filed by Joseph Calderon of Ice Miller on behalf Mr. & Mrs. Dunkerly.

TABLED TO APRIL

**2h. Docket Nos. 040100020 PP Amend:
Cedar Lake, Sec 2, lots # 36A, 36B - Primary Plat Amendment**

The applicant seeks to replat 1 lot to create 2 lots. The site is located 141st Street and Rohrer Road.
The site is zoned R-1/Residence.
Filed by Allan Weihe of Weihe Engineers for Phillip Dyer.

Dave Barnes of Weihe Engineers, 10505 N. College Avenue, Indianapolis appeared before the Commission representing the applicant. Dr. Phillip Dyer, property owner, was also present.

Cedar Lake Subdivision is on Rohrer Road and was platted and developed by Dr. Dyer in 1987. At this time, Dr. Dyer would like to divide lot 36 into two lots. Dr. Dyer intends to build a home for himself on the north lot at some point in the future.

The applicant has been to the TAC committee for review. One main issue at TAC was the entrance into both lots off Rohrer Road; one curb cut was requested. This was addressed by creating an easement on the northeast corner of lot 36A that would come across as a common drive for ingress/egress. There is also a two-foot non-access easement across lot 36B and the rest of lot 36A so there would be no future entrances to the property.

Dr. Dyer has lived on this lot since 1987 and likes the neighborhood and location. There is a two-story home on lot 36A now—perhaps five years out, Dr. Dyer would like to build a ranch style home to accommodate his needs.

Department Report, Jon Dobosiewicz. This item was at the February 18th TAC meeting for review. There are no unresolved, technical issues on this plat. The Department is recommending suspension of the rules and final action this evening, in the absence of remonstrance.

Stephanie Blackman, Subdivision Chairperson, was in favor of utilizing the suspension of the rules in this instance—no public remonstrance, no outstanding issues.

Jerry Chomanczuk noted a comment from the City Engineer regarding the sidewalk and right-of-way, and wondered if this were an outstanding issue.

Jon Dobosiewicz responded that the City Engineer had received a letter from the petitioner that will address the construction of the sidewalk at the time a home is constructed on the second lot.

Dianna Knoll made formal motion to suspend the Rules of Procedure, seconded by Stephanie Blackman, Approved 10-0.

Dianna Knoll moved for approval of **Docket No. 040100020 PP Amend, Cedar Lake, Section 2, Lots 36A and 36B, Primary Plat Amendment**, seconded by Stephanie Blackman, **APPROVED** 10-0.

3h. Docket No. 04010024 Z: Steckley Rezone (Guilford Reserve PUD)

The applicant seeks to Rezone approximately 5 acres from B-6/Business to PUD/Planned Unit Development. The site is located at 1011 S. Guilford Road.
Filed by David Klain of Crawford Development, LLC.

Charlie Frankenberger, 5212 Carrington Circle, Carmel, attorney with Nelson and Frankenberger, appeared before the Commission representing Crawford Development. Also present were David Klain, Robert Barbato, and Adam DeHart.

The applicant is seeking a rezone to allow construction of 48 unique, brownstone style, townhomes on 5 acres. The zone classification requested is from the existing B-6/Business to a residential PUD Ordinance. The 5-acre parcel is located east of Guilford Road between 116th Street on the south and Carmel Drive on the north; immediately to the west

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is the Lenox Trace condominium community. Other uses in the immediate vicinity include two, single-family residences to the north, Public Service Indiana to the south, and an assortment to the north and east of different commercial and light industrial uses. The mix of zoning classifications within the immediate vicinity is R-1 and R-4 Residential, B-5 Business, M-3 Manufacturing, and I-1 light Industrial.

For background information, during the calendar year 2000, the zoning of the 5 acres was changed from the R-1 Residential classification to the B-6 classification. The change to the present B-6 zoning classification was accompanied by commitments limiting the use of the real estate to nursing, retirement, or convalescent facilities. The actual use review during the rezone process was for an independent living/retirement facility. The facility, as approved could contain up to 72, one and two bedroom apartments along with such accessory uses as a dining room, community room, library, health and wellness center, and a country store.

For this area, the Comprehensive Plan suggests low intensity, regional commercial employment uses. As examples, the Comprehensive Plan lists one to two-story offices, office/showroom flex space, and industrial warehousing. The proposed development will provide transition, buffering, and sensitivity to the nearby residential real estate to the north and the west.

A rendering of the site plan was shown. The site will comprise 11 buildings and a community mail box center. The 11 buildings will contain 48 brownstone residences. The buildings have been positioned so that parking is screened from Guilford Avenue. Detailed landscaping and tree preservation plans are included in the information packets. The brownstone townhomes are up-scale and unique. The primary exterior building materials for the front façade will be brick and stone; the primary exterior building materials for the side and rear elevations will be brick. The color of the brick will be displayed at the Committee level. Mr. Frankenberger showed a sample of the stone that will be used on the lower portion of the front elevation. The applicant's commitment is to construct the buildings shown on the site plan as displayed.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Richard Johnson, 929 South Guilford Road, directly north of the proposed development and sharing approximately 450 feet of property line, said he was not totally against development of the property and has been through the previous proposal of the retirement facility next door. The current proposal is more conducive to the area if it cannot be residential. However, there are some concerns. Mr. Johnson and family have been at this location for 24 years. The property is 3 ½ acres of lawn, pool and patio area. A major safety concern is with children/grandchildren in the proposed development trespassing into Mr. Johnson's back yard, especially into the pool area. The area of concern is the property line all the way to the pool. The pool is fenced in, however Mr. Johnson asked for an additional fence, six feet high, wooden/screening type fence, from the street all the way back just past the pool. A fence would alleviate that concern. An additional concern is the number 4 unit with 3 brownstones—only 38 feet from the pool fence—rather close, and there is not much vegetation in this area for screening. Unit 3 is set back farther, has mature trees of a considerable height that will be retained, and they offer some shielding. Mr. Johnson asked that Unit 4 be moved to the back of the development, thereby allowing more area for mature trees.

Mr. Johnson said that all of these issues were addressed with the retirement facility and compromises were made. An additional concern is one of percolation of the soil, since Mr. Johnson's home is between the proposed development and Carmel Creek. Mr. Johnson's home has a 17-foot well as a water source. The Essex retirement facility addressed this issue by proposing a water-spur from their closest building over to Mr. Johnson's home at a shared cost, thereby alleviating any problems with contamination of the well.

Charlie Frankenberger reserved detail response comments for the Committee. A meeting was held with the neighbors, and support was expressed for this proposal. Mr. Johnson, David Klain, and Robert Berbato met on site this past Friday to review Mr. Johnson's concerns, and the applicant is in process of responding to those comments.

Mr. Frankenberger stated that during initial discussions with the Department, the site layout and building arrangement was “massaged” in order to provide screening of the parking from Guilford and preserve more trees. In response, the number of units was reduced, and buildings were relocated and rearranged to preserve more trees. Mr. Johnson’s request to move Unit 4 would be considered in order to create a greater distance, but that may be at a loss of trees. The required buffer is in place, and there are trees preserved to provide screening. The possibility of a fence has been discussed—if it were installed, it would be on Mr. Johnson’s property, otherwise, it would cause the loss of trees on the five-acre site. Regarding the contamination of well water, the proposed development will be on City water—Mr. Johnson will be on well water. The water system will be designed in such a manner as to comply with stringent regulations designed to prevent well water contamination.

Department Report, Jon Dobosiewicz. In prior PUD’s reviewed by the Commission, there was no known product. In this particular situation, there is a known product—building elevations and layout have been presented. The Commission should pay particular attention to the site layout and the building elevations presented. If forwarded favorably by the Commission and offered by the Council, the Plan Commission will not see this project again in the form of a public hearing unless modifications are made to the drawings included in the information packets. The Committee should closely review the site elevations closest to Guilford as far as architectural detail on the front of the units to the side of the buildings that will be much more visible from Guilford. Regarding the development plan, if commitments are made or agreements reached regarding screening or provision of water service to the adjoining property owner, the commitments should be either made part of the PUD or written commitment that runs with the rezoned. If approved by Council, this development would be reviewed by the TAC committee for construction plans and then to building permits.

Wayne Haney asked about materials and color of shingle materials. Charlie Frankenberger displayed the shingle material.

Dan Dutcher asked why the recreation path does not align between the northern section and the southern section.

Adam DeHart, Keeler Webb & Associates, responded to Dan Dutcher’s question. The color rendering notes those trees that will be preserved, including those near the right-of-way, that will screen the development from the road—the path will work around the trees. The alignment issue will probably come under review in the construction document phase. If the Engineering Department recommends the removal of trees in the construction phase, the applicant will do whatever makes sense at that time.

Jerry Chomanczuk was concerned with sufficient amount of visitor parking—it looks inadequate for the number of units. Also, the entrances to the garage and the location of the front and the back of the building are not clearly shown. The concern is that the entry to the back of the building will create a large, alleyway effect.

Charlie Frankenberger stated his understanding—each brownstone residence will have a two-car garage, plus three-quarters of a parking space. The parking is considered to be sufficient. The site Plan Commission

Stephanie Blackman asked if there were projects in existence built by this developer that perhaps could be viewed—the response was negative.

Mark Rattermann said he has a problem with this layout in that the best sides of the buildings will be facing another building. There is a project similar to this at Payne Road and 82nd Street—all you see are garage doors and alleys between the garages. Once inside the project, you will just see garages and this is a concern.

Leo Dierckman expressed concern with the visual from Guilford.

Docket No. 04010024 Z, Steckley Rezone (Guilford Reserve PUD) was referred to Special Study Committee for further review on March 30, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

4h. Docket No. 040100025 DP/ADLS: 630 - North Range Line Office Building

The applicant seeks approval for an office building with parking. The site is located 630 N Range Line Rd. The site is zoned B-5/Business within the Old Town Overlay, Historic Range Line Sub-area. Filed by Dave Barnes of Weihe Engineers.

David Barnes, Weihe Engineers, 10505 North College Avenue, Indianapolis, appeared before the Commission representing the applicant. Also in attendance was J.R.Freiberger of JRF Construction. The petitioner is seeking approval for an office building development plan at 630 North Range Line Road. Currently, the site is a vacant lot.

The landscape plan shows trees that are heavily circled—these trees will be placed for the buffer zone. The existing trees shown on the south property line will be preserved. There are 9 parking spaces and exceeds the requirement for the square footage. This property is incorporated into the Historical Overlay Zone and designed to blend with the existing area and structures. All utilities are in place: sanitary sewer is ready for hook-up, water, and storm within the unit.

J.R. Freiberger, 14066 Song Court, Carmel, owner and president of JRF Construction, 1031 East 169th Street, Westfield, addressed the Commission. The building will be cedar trim, hardy-plank siding, painted, and asphalt, dimensional-shingle roof. The windows are aluminum clad, double-hung that will simulate an authentic, double-hung wood type window, but in the cladding for low maintenance—standard gutters and standpoints. Most of the buildings in the area are of general construction to the proposed building. Mr. Freiberger displayed samples of the hardy-plank and shingle materials.

Members of the public were invited to speak in favor of the petition; no one appeared.

Members of the public were invited to speak in opposition to the petition; the following appeared:

Ms. Peddiger, 220 First Avenue NE, Carmel, owns the property directly across and one door south from the site. Ms. Peddiger thought the building looked “top heavy” and would look better if the brick went straight across rather than recessed into the window.

The public hearing was then closed.

Rebuttal: Dave Barnes stated that the structure falls within the Ordinance as far as the buildings on either side—the design standards, etc. The petitioner meets the standards of the Overlay requirements.

Department Comments, Jon Dobosiewicz. From a technical standpoint, the building meets the criteria set forth in the Historic Range Line Road Sub-area of the Old Towne Section. If there are additional questions regarding the design standards, the Committee may want to review the Old Towne section of the Historic Range Line Road Sub-area. Les Olds, Director of Redevelopment for the City, could be asked for input regarding the brick/window design comment made by the neighbor to see if any modification might be presented to address the concern. The Department is recommending this item be sent to Committee for further discussion.

Stephanie Blackman asked if the proposed ordinance being reviewed by the Subdivision Committee would apply to this building—the response was negative.

Leo Dierckman recommended color renderings be presented to the Committee for their review.

Docket No. 040100025 DP/ADLS, 630 North Range Line Office Building, was referred to Special Study Committee for further review on March 30, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

5. Docket No. 04010022 PP: Stanford Park (formerly Burlingame)

The applicant seeks to plat a residential subdivision of approximately 224 lots. The petitioner also seeks the following subdivision waiver:

Docket No. 04010023a SW SCO 6.5.1 minimum lot frontage

The site is located on Shelborne Rd, just north of West 131st Street. The site is zoned both R-4 /Residence and R-2/Residence.

Filed by Steve Pittman for PPV, LLC.

Steve Pittman, 370 Sander Court, Carmel, and Neal Smith, Pittman Partners, appeared before the Commission representing the applicant. The petitioner is seeking primary plat approval for a subdivision known as Stanford Park, formerly Burlingame. Steve Pittman gave a brief time-line on this site up to the rezone in 2003. The site is a 77 acre parcel north of and adjacent to the new Carmel Street Fleet facility, just north of 131st Street, east of Shelborne Road, and owned by Shelborne Family Limited Partnership.

There were commitments tendered in December at the time the property was rezoned. The character of the area changed significantly with the Carmel Street Fleet facility, the extension of 136th Street through the property, and the Carmel Dad's Club facility that would consist of three football fields, a minimum of 200 parking spaces, concession stand, and restrooms. The football complex has been named the "Mark Herrmann Football Park," after Mark Herrmann, Carmel graduate, Purdue graduate, Colts player, Teddy Roosevelt National Athlete Scholar, and current NCAA associate.

Significant commitments were made as a part of this plan. The townhomes around the football complex are by Ryland. The empty-nester maintenance free homes are ranch homes from 1200 to 1600 square feet with a price average between \$175, and \$200,000 depending upon options chosen. This product went through extension review and negotiations with the Department of Community Services.

As a part of the project and Carmel's Thoroughfare Plan, the roadway system will be extended as follows. Beginning at Towne Road, 136th Street will be extended through the subdivisions, and continue moving westward, through Stanford Park, 2100 feet, and come out on Shelborne Road. 136th Street will then extend west from Shelborne Road through the Ryland development to the west, through another property, and come out on West Road. As part of the commitments, Pittman Partners has agreed to contribute \$200,000 to the improvement and realignment of Shelborne Road and 116th Street.

The petitioner will be seeking a variance in regard to minimum lot widths. The ranch homes have a lot width of 45 feet, and consistent with the commitments made during the rezone. Commitments were made regarding fencing and extensive landscaping in response to some of the neighbors' concerns. Additional buffering in the form of wrought-iron fencing was requested between the lake area behind the townhomes, and the Drees neighborhood known as Shelborne Park. The fence would run along the property line, the full length of the lake; and would be in addition to the commitments made regarding landscaping and buffering.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Lee Ramey, 13339 Beckwith Drive, (Shelbourne Park) expressed concern that this proposal does not meet the adjacent property in price point. Mr. Ramey was also concerned with the football/soccer fields—may be approved for outdoor lights at some point in the future and extension of hours. Mr. Ramey just does not want football/soccer fields adjacent to his home. The probable traffic overflow through Mr. Ramey's neighborhood would also be a concern.

Justin Camm, 13323 Beckwith Drive, also Shelbourne Park, expressed one major concern: "Traffic." A new school being built in the area will also have sports facilities: baseball, softball, football, cross-country, tennis, etc. Mr. Camm said he had not seen the traffic study, but did not think the traffic study included the new school facility.

Michael Claytor, 13881 Shelbourne Road, property owner of 10 acres that forms the entire northern boundary of Stanford Park. Mr. Pittman has been accommodating in buffering the northern property line back to the Claytor home,

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300 feet from the road. However, no matter how much buffering, this proposal is the most dense project ever done in western Clay Township and does not fit the character of the area. The proposal is innovative, but just too dense in its present configuration. A letter was submitted to the Commission from Michael Claytor and Debbie Winchester.

Debbie Winchester, 13881 Shelbourne Road, thanked Steve Pittman for making changes along the front of the property. The main concern is with the distance of the 12 houses from the property line because of the nature area containing coyote, skunk, deer, quail, fox, and numerous birds, including owl and eastern bluebird. The wildlife will continue in this area because shelter has been provided for them. If the wildlife feels crowded, there may be problems because coyotes tend to like cats and dogs. The homes will be 40 feet from her property line and no matter the screening, it will make a major impact on the area. Would like to see the proposal “tweaked” to provide more breathing room on the north end.

Marsha Henry, 13850 Shelbourne Road, across the street from the proposed development, objects to the width of the lots and the density.. Ms. Henry was not sure why there are guidelines if the intention is not to follow them or hearing good reason why the lot width should be decreased. The residents are used to “country” and are not in favor of the density.

Public Hearing Closed

Rebuttal: Steve Pittman said they had gone through significant negotiations over the course of a year and all of the issues had been addressed. Mr. Pittman said he was a little bothered by the current response from the neighbors, inasmuch as he had met with them, talked with them, and addressed their concerns by creating additional open space, planting additional trees, mounting, removing lots, etc. There are extenuating circumstances with the industrial use of the street fleet facility, extension of 136th Street, the incorporation of the ball fields, and the investment of \$200,000 for road improvements at 116th Street and Shelborne Road. Clearly, from everyone that looked at this development and all the people that voted on this, this proposal was felt to be in the best interest of the City of Carmel, the taxpayers, and the residents. The discussion will continue at Subdivision review.

Department comments: The Department is recommending this item be forwarded to the Subdivision Committee for further review. The Committee should pay particular attention to the transition between adjoining parcels to see that commitments made as a part of the rezone (Dec 2003) are addressed throughout the transition to adjoining parcels. It may be that the residents from Shelbourne Estates who spoke were not residents at the time the rezone was proposed and may not have received notice on the rezone request. The proposal for the ball fields was offered by the developer as an inducement to the rezone and is one of the many things contained within the commitments. The request for the ball fields will also go to the Board of Zoning Appeals and notice will be given. The Board’s action and review on the matter will be related to the provision of adequate parking and design of the fields in relation to the surrounding townhomes adjacent.

The petitioner should provide more detail on the construction of improvements within the Shelborne Road right-of-way at their entrance and provide detail of how access is gained adjacent and across from Clayborne, neighborhood to the west. One additional item: The developer is currently working with Scott Brew, Urban Forester, on providing a specific design and providing more detail to the landscape plan. The petitioner should provide the Committee with a follow-up after those discussions are completed.

Commission Member questions and comments:

Dan Dutcher asked for better explanation of the waiver request for minimum frontage.

Jon Dobosiewicz explained that the requirement in the Ordinance of a 50-foot frontage is not part of the zoning ordinance and therefore not relative to the applicable density on the property. The 50-foot frontage requirement is an issue contained within the Subdivision Control Ordinance (not the Zoning Ordinance) and has been in place for several years. Previously, standard, platted subdivisions that were not part of ROSO that met the 15,000 square-foot lot size

encumbered the entire real estate the subdivision encompassed. This affected cul-de-sac design so that no pie-shaped lots were created at the cul-de-sac frontage. The 50-foot of frontage was not designed to limit density. This is more a technical matter, but it cannot be approved administratively. The Plan Commission must be involved in its review and determination.

Mark Rattermann asked about the density of this development and what the Comprehensive Plan recommends.

Steve Pittman responded that the R-4 area is 6.422 units per acre; the R-2 area is 3.26 units per acre; overall density is 3.75 units per acre.

Jon Dobosiewicz responded that the Comprehensive Plan calls for this area as Residential Estate, based on one home per acre, overall density. Most of the other subdivisions platted under the S-1 requirements have netted out approximately 1.35 units per acre.

Steve Pittman asked about the land where the Street Fleet facility is being built—what the Comprehensive Plan calls for in the adjacent 40 acres.

Jon Dobosiewicz responded that the Comp Plan map does not address public use facilities—the text of the Comp Plan calls for the provision of adequate services. The overall plan for the area is residential estate between 116th and 141st Street—a base density of one unit per acre.

Jerry Chomanczuk asked if the Committee could re-visit density questions.

Jon Dobosiewicz responded that if the Committee makes a determination that the intent of applying the 50-foot rule were to apply to this lot—they would probably lose 9 lots. In addition, this is a request seen on 116th Street and Hazel Dell—The Townhomes at Hazel Dell. Because those are fee-simple, owner-occupied, deeded lots, they do not meet the 50-foot width requirement. It was not the intent that the Ordinance would prohibit the sale of individual lots for the townhome units; however, the Ordinance also applies to the Townhome units. If the Plan Commission were to deny the request, it would make it next-to-impossible for them to sell the units individually.

Dan Dutcher expressed concern about the garage being so prominent on the lot that it hides the house.

Docket No. 04010022 PP, Stanford Park (formerly Burlingame) was referred to the Subdivision Committee for further review on March 30, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

6h. Docket No. 040100026 DP/ADLS: Century 21- Alexander

The applicant seeks approval for an office building with parking. The site is located 11411 Michigan Road. The site is zoned S-1/Residence (pending business rezone approval).
Filed by David Warshauer of Barnes & Thornburg for Mr. & Mrs. Alexander.

Note: Stephanie Blackman and Rick Ripma Recused

Further Note: Due to an issue of Public Notice date; therefore, the Public Hearing will remain open.

Dave Warshauer, attorney with Barnes & Thornburg, 11 South Meridian Street, Indianapolis appeared before the Commission representing the applicant. Also in attendance was Jerry Alexander.

Previously, the Commission recommended to the City Council that this property, just under 3 acres in size, be rezoned to B-5 Business from S-1 Residential, subject to a statement of commitments that were agreed to following discussions with Woodhaven Subdivision and its attorney. The Council held its first reading of the rezone ordinance on March 1, the Land Use and Annexation Committee will hold a public meeting on Thursday, March 18th, and the applicant will again come before the Council, hopefully for final approval.

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Jerry Alexander operates a Century 21 Alexander Real Estate firm. The subject location will be utilized as an additional office for the Real Estate firm. The existing 1,660 square foot residential structure will be converted to an office use. With the exception of a few interior changes, the business building will look as it is now, white clapboard with green roof, shutters—there will be some additional landscaping. There are certain external changes such as the construction of a 7-car parking lot in front of an existing structure; the parking lot and drive will be curbed, per the Carmel Ordinance; landscaping is proposed south of the parking lot on the gravel area and along the house. A sign is also proposed along Michigan Road, screened from Woodhaven by an existing residence.

The property has a fair amount of mature landscaping in existence and this will be supplemented by the parking lot landscaping. The main issue discussed by the Department and also the main issue with the residents of Woodhaven is the sign. Mr. Warshauer asked that the Commission completely ignore materials provided and the applicant will be proposing a different type of sign, substantially smaller. The sign face would be 24 square feet rather than 40 square feet, located in some sort of architectural structure with some brick and masonry. The petitioner will be meeting with the Department on Thursday to finalize ideas. The petitioner will also be having more discussions with the residents of Woodhaven regarding illumination, the use of a timer, etc.

The petitioner is looking forward to more in-depth review at the Committee level.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared.

Department Comments, Jon Dobosiewicz. Due to the error in the Public Notice, there will be an **“official” public hearing on this item at the April meeting.** The petitioner will meet with the Department to discuss the sign request and provision for adequate curbing on the lots to meet the Ordinance Requirements.

Mark Rattermann advised members of the public that there would be a discussion meeting on the rezoning of this property on Thursday, March 18, 2004 (nothing regarding signage.) If the public has any issues, they need to appear at City Council Land Use Committee, 7:00 PM.

Jerry Chomanczuk commented that if normal hours of operation are 9 to 5, maybe illumination is not required.

Dave Warshauer said the sign illumination needs to be discussed. Especially in winter months, the sign needs to be illuminated. If the State follows through on its proposal to widen Michigan Road (421) to 5 lanes, the sign should be legible for persons to be able to find it.

Docket No. 040100026 DP/ADLS, Century 21 Alexander was referred to the Special Study Committee for further review on March 30, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

7h. Docket No. 150-02b OA:

Amendments to the Carmel/Clay Zoning Ordinance – Patch #4

The petitioner seeks to add new provisions to and make several corrective amendments to the Zoning Ordinance.

Filed by the Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission to present and explain the Patch #4 Ordinance Amendment. Basically, it turns policy into reality when it comes to the Development Plan and ADLS approval process. The Amendment brings it consistently into one place in the Zoning Ordinance and takes various language out of different sections where it appears now.

The second thing the Amendment does is pull all of the existing language in the Old Meridian District as it relates to sign into the Sign Ordinance. The Old Meridian District will have its own section as a Sign Ordinance.

Thirdly, as it is currently written, the requirement for DP/ADLS approval is added to the R-5 and B-6 Districts. However, by the time this Amendment gets to Committee, we would also like to add DP and ADLS to the M-1 District, add DP requirements to B-5 and B-8, and an ADLS requirement to the M-3 District.

There will be a guide prepared to all of the Chapters for ease and simplicity of reference.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. Jon reiterated that 95% of this Ordinance is deletion and addition of existing language and consolidating the Development Plan currently conducted on 80 to 90% of commercial projects into one chapter as well as the ADLS standards and procedure into a single place so that we can build predictability.

Docket No. 150-02b OA, Amendments to the Carmel/Clay Zoning Ordinance, Patch #4, was referred to the Subdivision Committee for further review on March 30, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

8h. Docket No. 04020030 Z: Old Meridian/Mixed Use Rezone

The applicant seeks to Rezone 12 parcels to OM/MU- Old Meridian Mixed Use in the Old Meridian District. The parcels are generally located on the north and south sides of Main Street between Guilford Road and Old Meridian Street.

Filed by Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the applicant.

The Old Meridian/Mixed Use designation Rezone will incorporate the existing Old Meridian Office District, (shoe store and animal hospital.) The southeast corner is the area where the license branch is currently located. The old gas station at the corner of Main and Guilford and the office building immediately to the west are within the designated multi-family district. The single family-attached district takes in the American Legion, the pool company, and the silver convenience center.

The reason for the Old Meridian/Mixed Use is to make it more palatable for development along the Main Street corridor. The mixed use has a greater list of land uses available. The Main & Guilford Plaza, ADLS development to be heard this evening is within the proposed Old Meridian/Mixed Use. The architectural character of the Old Meridian District is being preserved, and none of the excluded uses will change—the permitted uses will change and will be a much larger field.

Members of the public were invited to speak in favor of, or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. At the time the original Old Meridian Zone was put into place, the Old Meridian Single Family Zone, currently the location of The American Legion and the strip center, was much larger and extended north. The parcel owned by The American Legion (to the north of The Legion) was included in the Old Meridian Zone. St. Vincent then proposed a rezone that was eventually approved by the City Council. At that time, the Department determined that it was no longer feasible to do a single-family attached development along that portion. Without the additional real estate to the north of The Legion, it would not be feasible for someone to take down the gas station, the strip center, and The American Legion, and convert it to single-family attached. There were discussions with The American Legion regarding removing that designation and bringing them into the Mixed-Use designation in the Ordinance.

The property at the corner that is Old Meridian Office was also larger and extended north—it was changed to accommodate the plans previously seen as the Mixed Medical. The map shows a “cut-out” area on the south side of Main Street, not identified in the highlighted area. The cut-out area is Rose Walk on Main Street and was approved

prior to the establishment of the Old Meridian Zone. In the future, mixed-use buildings will be developed in front of the Rose Walk on Main apartments—already under a plan approved by the Commission, but yet to come to fruition.

The Main & Guilford Plaza, ADLS application before the Commission this evening is consistent with the Old Meridian Mixed Use Designation that we would like to extend across the other properties as well. The bottom line on this change is to expand opportunities and the array of permitted uses on these parcels, not to diminish or change the architectural character goals for this area.

Docket No. 04020030 Z, Old Meridian/Mixed Use Rezone was referred to the Subdivision Committee for further review on March 30, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

I. Old Business:

1i. Docket No. 195-03 PP (#03120011): Schaffer Subdivision

The applicant seeks to plat a 54-lot subdivision on 41 acres +/- . The applicant also seeks the following subdivision waivers:

195-03a SW (#04010008) SCO 6.3.15 street curvature

195-03b SW (#04010009) SCO 6.4.1 block length

The site is located at the northwest corner 131st St/West Rd. The site is zoned S-1/Residence-Estate.

Filed by Jeff Douglass of Insight Engineering for Pittman Partners.

Steve Pittman, 370 Sander Court, Carmel and Neal Smith, both with Pittman Partners, appeared before the Commission representing the applicant. Mr. Pittman reported that he had met with the neighbors regarding the primary plat and the subdivision waivers. The staff is in support of the current plan. The Subdivision Committee also reviewed this proposal and voted 3-0 favorable recommendation to the Commission.

The one, outstanding issue was submitting an acceptable landscape plan and working with Scott Brewer, Urban Forester. This has now been completed.

Stephanie Blackman reported for the Subdivision Committee. The petitioner has worked with the surrounding homeowners to address their issues. Mr. Pittman even re-arranged the subdivision to resolve neighbors' concerns.

Department Report, Jon Dobosiewicz. There are a thousand ways this property could be developed and they would all be in compliance with the Ordinance. The petitioner has worked with the neighbors to narrow the one thousand ways into one way that both parties could agree to the plan.

The Department is recommending that the Commission adopt the Subdivision Waivers regarding street curvature and block length, and also the primary plat, pursuant to the recommendation of the Subdivision Committee.

Dianna Knoll moved for approval of **Docket No. 195-03 PP; 195-03a SW, SCO 6.3.15 and 195-03b SW, SCO 6.4.1, Schaffer Subdivision**, seconded by Mark Rattermann and **APPROVED 10-0**.

J. New Business:

1j. Docket No. 04020008 ADLS: Main & Guilford Plaza - ADLS

The applicant seeks approval for a retail building with parking. The site is located 811 W Main Street.

The site is zoned OM/MF- Old Meridian/Multifamily (pending rezoning).

Filed by Joe Calderon of Ice Miller for Main & Guilford Plaza, LLC.

Tim Oaks, attorney with Ice Miller, Indianapolis appeared before the Commission representing the applicant. This particular project was referenced earlier by the Department in describing the proposed rezone to Old Meridian/Mixed Use.

The site is an old gas station, 1.32 acres, at 811 West Main Street. This is a classical, in-fill type redevelopment being driven by what is now known as Peale's Auto Service located at Old Meridian and Main Street.

The proposed development is a classic, urban-type design with buildings drawn to the front, towards the street, so that there is a sidewalk with some landscaping, then the building. There would be one access point to the rear of the building. The building is approximately 8,000 square feet on two levels; the top floor would most likely be office.

The applicant was review by the Technical Advisory Committee.

No public hearing is required on ADLS applications.

Department Report, Jon Dobosiewicz. A letter was received from an adjoining property owner and that will be copied and distributed at the Committee level. The one issue regarding this request is that the applicant will be applying for one Use Variance to permit the auto repair to be located within the Mixed-Use zone. The front elevation of the building looks like individual store fronts.

Joe Peale and the owner of the body shop have been refreshing to work with as far as building design and meeting the criteria and the vision of the City of Carmel.

The parking area is screened heavily from the adjacent residential uses to the east and will not be directly visible from Guilford and very limited visibility from Main Street. One of the comments in the letter received from adjacent property owners was that they did not want junk vehicles sitting around and they were worried about the aesthetics of an auto-body repair shop. Based on those comments, it would seem that that property owner had not reviewed the file. Aesthetically, this is a building that the City would like to see almost anywhere along the Old Meridian Corridor. The opportunity for this business individual to remain in the community and in close proximity to their existing location and make this significant investment is one that the City would encourage. Traditionally, the Department does not support use variances. However, in this instance, with the type of use that has been there for years at this particular corner, and allowing this business to integrate itself into a multi-tenant building, this petitioner has done a lot to off-set any possible, negative impact associated with that use.

Wayne Haney was complimentary of the developer and the Department in working toward an acceptable use and keeping with the vision of the City.

Jerry Chomanczuk asked about the disposition of any in-ground fuel tanks on the site.

Docket No. 04020008 ADLS, Main & Guilford Plaza, ADLS was referred to the Special Study Committee for further review on March 30, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

There being no further business to come before the Commission, the meeting was adjourned at 9:00 PM.

Leo Dierckman, President

Ramona Hancock, Secretary